

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2623**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Christian BERTIN et al.

Group Art Unit: 2623

Application No.: 10/765,447

Examiner: O. IDOWU

Filed: January 27, 2004

Docket No.: 127523

For: TOPIC-ORIENTED METHOD OF RECORDING DIGITAL CONTENTS
BROADCAST IN ACCORDANCE WITH A SCHEDULE

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the July 10, 2007 Office Action, reconsideration of the rejections is respectfully requested in light of the following remarks.

In the Office Action, claims 1-8 and 11-16 are rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. US2004/0078817 to Horowitz in view of U.S. Patent Publication No. US2002/0127000 to Yamato. This rejection is respectfully traversed.

Page 3 of the Office Action admits that Horowitz fails to teach or suggest "a step of selecting from an access terminal an audiovisual content to be recorded, and wherein the record file further includes the address of an update server for generating a request to update the record file, the request being sent by the terminal to the update server." For these admittedly missing features, the Office Action relies on Yamato paragraphs [0169], [0043]

and [0051]. However, these passages have nothing to do with the asserted features. In fact, Yamato does not even recite the words "address" or "server" anywhere in the specification and fails to even suggest the possibility of an update to the record file. Thus, Yamato fails to overcome the deficiencies of Horowitz.

Upon closer review, it appears that the paragraphs relied upon (paragraphs [0169], [0043], and [0051]) are within Horowitz, not Yamato as alleged. However, even these passages do not demonstrate that Horowitz teaches or suggests the claimed features such as a record file including the address of an update server. For example, paragraph [0043] concerns the transmission via FTP of program data from the EPG server 118 to the content distribution system 106. This is not a transmission between an access terminal and an update server. The access terminal in Horowitz generates by itself a record file (paragraph [0018]) and does not receive it. Additionally, this record file does not include the address of an update server, but instead only contains program data.

Because the Office Action fails to identify each and every feature of independent claim 1, a *prima facie* case of obviousness has not been met. Accordingly, claim 1 and claims dependent therefrom would not have been obvious from the teaching of Horowitz alone or in view of Yamato. Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 9-10 are rejected under 35 U.S.C. §103(a) over Horowitz and Yamato in view of U.S. Patent No. 6,996,627 to Carden. This rejection is respectfully traversed.

Carden fails to overcome the deficiencies of Horowitz and Yamato with respect to independent claim 1. Accordingly, dependent claims 9-10 are allowable for their dependence on an allowable base claim and for the additional features recited therein.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:SPC/axl

Date: October 10, 2007

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